

Introduced by Committee on Business, Professions and Economic Development (Senators Price (Chair), Corbett, Correa, Emmerson, Hernandez, Negrete McLeod, Vargas, Walters, and Wyland)

March 31, 2011

An act to amend Sections 1916, 1918, 1922, 1927, 1950, 1952, 1955, 1957, 1959, 1961, 1962, 1963, 1966.1, 2736.5, 2836.2, 2936, 4200, 4980.36, 4980.37, 4980.40.5, 4980.42, 4980.43, 4980.45, 4982.25, 4989.54, 4990.38, 4992.3, 4992.36, 4996.13, 4996.24, 4999.12, and 4999.90 of, to add Sections 1902.1, 4999.91, and 4999.455 to, and to repeal Section 1945 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 943, as introduced, Committee on Business, Professions and Economic Development. Healing arts.

Existing law provides for the licensure and regulation of various healing arts licensees by boards within the Department of Consumer Affairs.

(1) Existing law, the Dental Practice Act, provides for the licensure and regulation of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions by the Dental Hygiene Committee of California within the Dental Board of California.

Existing law requires applicants for licensure to provide fingerprint images for submission to governmental agencies, in order to, among other things, establish the identity of the applicant. Existing law requires the committee to submit these fingerprint images to the Department of Justice in order to obtain specified criminal offender record information.

This bill would delete that committee submittal requirement and would require applicants to submit electronic fingerprint images.

Existing law requires the committee to license as a registered dental hygienist in extended functions or a registered dental hygienist in alternative practice a person who meets certain educational, training, and examination requirements.

This bill would additionally require these applicants to complete an application and pay required application fees.

Under existing law, a licensee may have his or her license revoked or suspended, or may be reprimanded or placed on probation by the committee, for conviction of a crime substantially related to the licensee's qualifications, functions, or duties. Existing law authorizes the committee to order a license suspended or revoked or to decline to issue a license if certain procedural events occur.

This bill would additionally authorize the committee to reprimand a licensee or order a license placed on probation.

Under existing law, a licensee or health care facility that fails to comply with a specified request from the committee for a patient's dental hygiene records is subject to a \$250 per day civil penalty for each day that the records have not been produced, as specified.

This bill would additionally require licensees and health care facilities to comply with a request for a patient's dental records and would make them subject to a civil or administrative penalty or fine up to a maximum of \$250 per day for each day that the records have not been produced, as specified.

(2) Existing law, the Nursing Practice Act, provides for the licensure and regulation of registered nurses by the Board of Registered Nursing.

Existing law requires applicants for licensure as a registered nurse to meet certain educational requirements, to have completed specified courses of instruction, and to not be subject to denial of licensure under specified circumstances. Existing law authorizes applicants who have served on active duty in the medical corps in the United States Armed Forces to submit a record of specified training to the board for evaluation in order to satisfy the courses of instruction requirement. Under existing law, if the applicant satisfies the other general licensure requirements and if the board determines that both education and experience establish competency to practice registered nursing, the applicant shall be granted a license upon passing a certain examination.

This bill would limit that board determination to be based on education only.

(3) Under existing law, the Board of Behavioral Sciences is responsible for the licensure, registration, and regulation of, among others, marriage and family therapists, licensed clinical social workers, and licensed professional clinical counselors.

(A) Existing law, the Marriage and Family Therapist Act, provides for the licensure and regulation of marriage and family therapists and makes a violation of the act a crime. Existing law, with respect to marriage and family therapists and marriage and family therapist interns, requires an applicant to possess a doctoral or master's degree in any of various disciplines, including, but not limited to, marriage, family, and child counseling.

This bill would add couple and family therapy to that list of acceptable disciplines.

Existing law requires that degree to contain a specified number of units of instruction that includes practicum involving direct client contact of a specified number of hours of face-to-face experience counseling individuals, couples, families, or groups and authorizes a portion of those hours to be gained performing client centered advocacy, as defined.

This bill would revise and recast that requirement and would authorize that portion of hours to be gained performing either client centered advocacy or face-to-face experience counseling individuals, couples, families, or groups.

Existing law requires applicants for marriage and family therapy licensure to meet certain experience requirements prior to applying for licensure examinations.

This bill would make revisions to that experience requirement with respect to experience in direct supervisor contact and professional enrichment activities.

Existing law authorizes a licensed professional in private practice meeting certain requirements to supervise or employ no more than a total of 2 individuals registered as either a marriage and family therapist intern or associate clinical social worker.

This bill would authorize such a licensed professional to supervise or employ no more than a total of 3 individuals and would add clinical counsel interns to that list. Because the bill would change the definition of a crime, it would thereby impose a state-mandated local program.

Under existing law, a marriage and family therapy corporation may employ no more than a total of 2 individuals registered as either a marriage and family therapist intern or associate clinical social worker

for each employee. Existing law prohibits the corporation from employing more than 10 individuals registered as either a marriage and family therapist intern or associate clinical social worker.

This bill would authorize the corporation to employ no more than a total of 3 individuals and would add clinical counsel interns to that list. The bill would also authorize the corporation to employ no more than 15 registrants and would include clinical counsel interns.

(B) The Clinical Social Worker Practice Act provides for the licensure and regulation of social workers and makes a violation of the act a crime. Under existing law, qualified members of other professional groups may do work of a psychosocial nature consistent with the standards and ethics of their respective professions.

This bill would specify that licensed professional clinical counselors may do such work.

Existing law authorizes a licensee in private practice meeting certain requirements to supervise or employ no more than a total of 2 individuals registered as either a marriage and family therapist intern or associate clinical social worker.

This bill would authorize that licensed professional to supervise or employ no more than a total of 3 individuals and would add clinical counsel interns to that list.

Under existing law, a licensed clinical social workers' corporation may employ no more than a total of 2 individuals registered as either a marriage and family therapist intern or associate clinical social worker for each employee who has satisfied certain requirements. Existing law prohibits the corporation from employing more than 10 individuals registered as either a marriage and family therapist intern or associate clinical social worker.

This bill would authorize the corporation to employ no more than a total of 3 individuals and would add clinical counsel interns to that list. The bill would also authorize the corporation to employ no more than 15 registrants and would include clinical counsel interns.

By changing the definition of crimes, the bill would impose a state-mandated local program.

(C) Existing law, the Licensed Professional Clinical Counselor Act, provides for the licensure and regulation of professional clinical counselors and makes a violation of the act a crime. Existing law generally authorizes the board to take certain enforcement actions against licensees for a violation of the act.

This bill would authorize the board to deny any application, or to suspend or revoke any license or registration, for specified reasons.

The bill would also authorize a licensee in private practice meeting certain requirements to supervise or employ no more than a total of 3 individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. The bill would authorize professional clinical counselor corporation to employ no more than a total of 3 individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker for each employee. The bill would prohibit the corporation from employing more than 15 individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. Because a violation of these requirements would constitute a crime, the bill would impose a state-mandated local program.

The bill would make other conforming and technical changes, including technical changes to the Psychology Licensing Law and the Pharmacy Law.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1902.1 is added to the Business and
- 2 Professions Code, to read:
- 3 1902.1. Protection of the public shall be the highest priority
- 4 for the committee in exercising its licensing, regulatory, and
- 5 disciplinary functions. Whenever the protection of the public is
- 6 inconsistent with other interests sought to be promoted, the
- 7 protection of the public shall be paramount.
- 8 SEC. 2. Section 1916 of the Business and Professions Code is
- 9 amended to read:
- 10 1916. (a) An applicant for licensure under this article shall
- 11 furnish *electronic* fingerprint images for submission to state and
- 12 federal criminal justice agencies, including, but not limited to, the

1 Federal Bureau of Investigation, in order to establish the identity
2 of the applicant and for the other purposes described in this section.

3 ~~(b) The committee shall submit the fingerprint images to the~~
4 ~~Department of Justice for the purposes of obtaining criminal~~
5 ~~offender record information regarding state and federal level~~
6 ~~convictions and arrests, including arrests for which the Department~~
7 ~~of Justice establishes that the person is free on bail or on his or her~~
8 ~~own recognizance pending trial or appeal.~~

9 (e)

10 (b) When received, the Department of Justice shall forward to
11 the Federal Bureau of Investigation requests for federal summary
12 criminal history information received pursuant to this section. The
13 Department of Justice shall review the information returned from
14 the Federal Bureau of Investigation and compile and disseminate
15 the response to the committee.

16 (d)

17 (c) The Department of Justice shall provide a response to the
18 committee pursuant to subdivision (p) of Section 11105 of the
19 Penal Code.

20 (e)

21 (d) The committee shall request from the Department of Justice
22 subsequent arrest notification service, as provided pursuant to
23 Section 11105.2 of the Penal Code.

24 (f)

25 (e) The information obtained as a result of the fingerprinting
26 shall be used in accordance with Section 11105 of the Penal Code,
27 and to determine whether the applicant is subject to denial of
28 licensure pursuant to Division 1.5 (commencing with Section 475)
29 or Section ~~1628.5~~ 1943.

30 ~~(g) The Department of Justice shall charge a fee sufficient to~~
31 ~~cover the cost of processing the request described in this section.~~

32 SEC. 3. Section 1918 of the Business and Professions Code is
33 amended to read:

34 1918. The committee shall license as a registered dental
35 hygienist in extended functions a person who meets all of the
36 following requirements:

37 (a) Holds a current license as a registered dental hygienist in
38 California.

1 (b) Completes clinical training approved by the committee in a
2 facility affiliated with a dental school under the direct supervision
3 of the dental school faculty.

4 (c) Performs satisfactorily on an examination required by the
5 committee.

6 (d) *Completes an application form and pays all application fees*
7 *required by the committee.*

8 SEC. 4. Section 1922 of the Business and Professions Code is
9 amended to read:

10 1922. The committee shall license as a registered dental
11 hygienist in alternative practice a person who demonstrates
12 satisfactory performance on an examination in California law and
13 ethics required by the committee and who *completes an application*
14 *form and pays all application fees required by the committee and*
15 meets either of the following requirements:

16 (a) Holds a current California license as a registered dental
17 hygienist and meets the following requirements:

18 (1) Has been engaged in the practice of dental hygiene, as
19 defined in Section 1908, as a registered dental hygienist in any
20 setting, including, but not limited to, educational settings and public
21 health settings, for a minimum of 2,000 hours during the
22 immediately preceding 36 months.

23 (2) Has successfully completed a bachelor's degree or its
24 equivalent from a college or institution of higher education that is
25 accredited by a national *or regional accrediting* agency recognized
26 ~~by the Council on Postsecondary Accreditation or the United States~~
27 Department of Education, and a minimum of 150 hours of
28 additional educational requirements, as prescribed by the committee
29 by regulation, that are consistent with good dental and dental
30 hygiene practice, including, but not necessarily limited to, dental
31 hygiene technique and theory including gerontology and medical
32 emergencies, and business administration and practice
33 management.

34 (b) Has received a letter of acceptance into the employment
35 utilization phase of the Health Manpower Pilot Project No. 155
36 established by the Office of Statewide Health Planning and
37 Development pursuant to Article 1 (commencing with Section
38 128125) of Chapter 3 of Part 3 of Division 107 of the Health and
39 Safety Code.

1 SEC. 5. Section 1927 of the Business and Professions Code is
2 amended to read:

3 1927. A registered dental hygienist in alternative practice shall
4 not do any of the following:

5 (a) Infer, purport, advertise, or imply that he or she is in any
6 way able to provide dental services or make any type of dental
7 health diagnosis beyond evaluating a patient's dental hygiene
8 status, providing a dental hygiene treatment plan, and providing
9 the associated dental hygiene services.

10 (b) Hire a registered dental hygienist to provide direct patient
11 services other than a registered dental hygienist in alternative
12 practice.

13 SEC. 6. Section 1945 of the Business and Professions Code is
14 repealed.

15 ~~1945. On July 1, 2009, a percentage of the funds in the State~~
16 ~~Dental Auxiliary Fund shall be transferred to the State Dental~~
17 ~~Hygiene Fund based on the number of registered dental hygienists,~~
18 ~~registered hygienists in alternative practice, and registered dental~~
19 ~~hygienists in extended functions licensed on June 30, 2009,~~
20 ~~compared to all dental auxiliaries licensed by the Committee on~~
21 ~~Dental Auxiliaries on June 30, 2009. The board's authority to~~
22 ~~expend those funds, as appropriated in the 2008 Budget Act, shall~~
23 ~~be vested in the committee to carry out the provisions of this~~
24 ~~chapter as they relate to dental hygienists for the 2008-09 fiscal~~
25 ~~year, including the payment of any encumbrances related to dental~~
26 ~~hygienists, dental hygienists in alternative practice, and dental~~
27 ~~hygienists in extended functions incurred by the State Dental~~
28 ~~Auxiliary Fund. The remainder of the funds in the State Dental~~
29 ~~Auxiliary Fund shall be transferred to the State Dental Assistant~~
30 ~~Fund pursuant to Section 1721.5.~~

31 SEC. 7. Section 1950 of the Business and Professions Code is
32 amended to read:

33 1950. (a) A licensee may have his or her license revoked or
34 suspended, or may be reprimanded or placed on probation by the
35 committee, for conviction of a crime substantially related to the
36 licensee's qualifications, functions, or duties. The record of
37 conviction or a copy certified by the clerk of the court or by the
38 judge in whose court the conviction occurred shall be conclusive
39 evidence of conviction.

(b) The committee shall undertake proceedings under this section upon the receipt of a certified copy of the record of conviction. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any misdemeanor substantially related to the licensee's qualifications, functions, or duties is deemed to be a conviction within the meaning of this section.

(c) The committee may *reprimand a licensee* or order a license suspended or revoked, *or placed on probation* or may decline to issue a license, when any of the following occur:

- (1) The time for appeal has elapsed.
- (2) The judgment of conviction has been affirmed on appeal.
- (3) An order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under any provision of the Penal Code, including, but not limited to, Section 1203.4 of the Penal Code, allowing a person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

SEC. 8. Section 1952 of the Business and Professions Code is amended to read:

1952. It is unprofessional conduct for a person licensed under this article to do any of the following:

(a) Obtain or possess in violation of law, or except as directed by a licensed physician and surgeon, dentist, or podiatrist, a controlled substance, as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Section 4022.

(b) Use a controlled substance, as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or a dangerous drug as defined in Section 4022, or alcoholic beverages or other intoxicating substances, to an extent or in a manner dangerous or injurious to himself or herself, to any person, or the public to the extent that the use impairs the licensee's ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a charge of violating any federal statute or rules, or any statute or rule of this state, regulating controlled substances, as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug, as

1 defined in Section 4022, or be convicted of more than one
2 misdemeanor, or any felony, involving the use or consumption of
3 alcohol or drugs, if the conviction is substantially related to the
4 practice authorized by his or her license. ~~The record of conviction~~
5 ~~or a copy certified by the clerk of the court or by the judge in whose~~
6 ~~court the conviction is had, shall be conclusive evidence of a~~
7 ~~violation of this section. A plea or verdict of guilty or a conviction~~
8 ~~following a plea of nolo contendere is deemed to be a conviction~~
9 ~~within the meaning of this section; the committee may order the~~
10 ~~license suspended or revoked, or may decline to issue a license,~~
11 ~~when the time for appeal has elapsed or the judgment of conviction~~
12 ~~has been affirmed on appeal, or when an order granting probation~~
13 ~~is made suspending imposition of sentence, irrespective of a~~
14 ~~subsequent order under any provision of the Penal Code, including,~~
15 ~~but not limited to, Section 1203.4 of the Penal Code, allowing a~~
16 ~~person to withdraw his or her plea of guilty and to enter a plea of~~
17 ~~not guilty, or setting aside the verdict of guilty, or dismissing the~~
18 ~~accusation, information, or indictment.~~

19 *(1) The record of conviction or a copy certified by the clerk of*
20 *the court or by the judge in whose court the conviction is had,*
21 *shall be conclusive evidence of a violation of this section. A plea*
22 *or verdict of guilty or a conviction following a plea of nolo*
23 *contendere is deemed to be a conviction within the meaning of this*
24 *section.*

25 *(2) The committee may order the license suspended or revoked,*
26 *or may decline to issue a license, when the time for appeal has*
27 *elapsed or the judgment of conviction has been affirmed on appeal,*
28 *or when an order granting probation is made suspending*
29 *imposition of sentence, irrespective of a subsequent order under*
30 *any provision of the Penal Code, including, but not limited to,*
31 *Section 1203.4 of the Penal Code, allowing a person to withdraw*
32 *his or her plea of guilty and to enter a plea of not guilty, or setting*
33 *aside the verdict of guilty, or dismissing the accusation,*
34 *information, or indictment.*

35 SEC. 9. Section 1955 of the Business and Professions Code is
36 amended to read:

37 1955. (a) (1) A licensee who fails or refuses to comply with
38 a request for a patient's *dental or* dental hygiene records that is
39 accompanied by that patient's written authorization for release of
40 the records to the committee, within 15 days of receiving the

1 request and authorization, shall pay to the committee a civil *or*
2 *administrative* penalty *or fine up to a maximum* of two hundred
3 fifty dollars (\$250) per day for each day that the documents have
4 not been produced after the 15th day, up to a maximum of five
5 thousand dollars (\$5,000) unless the licensee is unable to provide
6 the documents within this time period for good cause.

7 (2) A health care facility shall comply with a request for the
8 *dental or* dental hygiene records of a patient that is accompanied
9 by that patient's written authorization for release of records to the
10 committee together with a notice citing this section and describing
11 the penalties for failure to comply with this section. Failure to
12 provide the authorizing patient's dental hygiene records to the
13 committee within 30 days of receiving this request, authorization,
14 and notice shall subject the health care facility to a civil *or*
15 *administrative* penalty *or fine*, payable to the committee, of up to
16 *a maximum of* two hundred fifty dollars (\$250) per day for each
17 day that the documents have not been produced after the 30th day,
18 up to a maximum of five thousand dollars (\$5,000), unless the
19 health care facility is unable to provide the documents within this
20 time period for good cause. This paragraph shall not require health
21 care facilities to assist the committee in obtaining the patient's
22 authorization. The committee shall pay the reasonable cost of
23 copying the dental hygiene records.

24 (b) (1) A licensee who fails or refuses to comply with a court
25 order issued in the enforcement of a subpoena mandating the
26 release of records to the committee shall pay to the committee a
27 civil penalty of one thousand dollars (\$1,000) per day for each day
28 that the documents have not been produced after the date by which
29 the court order requires the documents to be produced, unless it is
30 determined that the order is unlawful or invalid. Any statute of
31 limitations applicable to the filing of an accusation by the
32 committee shall be tolled during the period the licensee is out of
33 compliance with the court order and during any related appeals.

34 (2) A licensee who fails or refuses to comply with a court order
35 issued in the enforcement of a subpoena mandating the release of
36 records to the committee is guilty of a misdemeanor punishable
37 by a fine payable to the committee not to exceed five thousand
38 dollars (\$5,000). The fine shall be added to the licensee's renewal
39 fee if it is not paid by the next succeeding renewal date. Any statute
40 of limitations applicable to the filing of an accusation by the

1 committee shall be tolled during the period the licensee is out of
2 compliance with the court order and during any related appeals.

3 (3) A health care facility that fails or refuses to comply with a
4 court order issued in the enforcement of a subpoena mandating
5 the release of patient records to the committee, that is accompanied
6 by a notice citing this section and describing the penalties for
7 failure to comply with this section, shall pay to the committee a
8 civil penalty of up to one thousand dollars (\$1,000) per day for
9 each day that the documents have not been produced, up to ten
10 thousand dollars (\$10,000), after the date by which the court order
11 requires the documents to be produced, unless it is determined that
12 the order is unlawful or invalid. Any statute of limitations
13 applicable to the filing of an accusation by the committee against
14 a licensee shall be tolled during the period the health care facility
15 is out of compliance with the court order and during any related
16 appeals.

17 (4) A health care facility that fails or refuses to comply with a
18 court order, issued in the enforcement of a subpoena, mandating
19 the release of records to the committee is guilty of a misdemeanor
20 punishable by a fine payable to the committee not to exceed five
21 thousand dollars (\$5,000). Any statute of limitations applicable to
22 the filing of an accusation by the committee against a licensee
23 shall be tolled during the period the health care facility is out of
24 compliance with the court order and during any related appeals.

25 (c) Multiple acts by a licensee in violation of subdivision (b)
26 shall be punishable by a fine not to exceed five thousand dollars
27 (\$5,000) or by imprisonment in a county jail not exceeding six
28 months, or by both that fine and imprisonment. Multiple acts by
29 a health care facility in violation of subdivision (b) shall be
30 punishable by a fine not to exceed five thousand dollars (\$5,000)
31 and shall be reported to the State Department of Public Health and
32 shall be considered as grounds for disciplinary action with respect
33 to licensure, including suspension or revocation of the license or
34 ~~certificate~~ *permit*.

35 (d) A failure or refusal to comply with a court order issued in
36 the enforcement of a subpoena mandating the release of records
37 to the committee constitutes unprofessional conduct and is grounds
38 for suspension or revocation of his or her license.

39 (e) Imposition of the civil *or administrative* penalties authorized
40 by this section shall be in accordance with the Administrative

1 Procedure Act (Chapter 5 (commencing with Section 11500) of
2 Division 3 of Title 2 of the Government Code).

3 (f) For the purposes of this section, a “health care facility” means
4 a clinic or health care facility licensed or exempt from licensure
5 pursuant to Division 2 (commencing with Section 1200) of the
6 Health and Safety Code.

7 SEC. 10. Section 1957 of the Business and Professions Code
8 is amended to read:

9 1957. (a) A person whose license has been revoked or
10 suspended, who has been placed on probation, or whose license
11 was surrendered pursuant to a stipulated settlement as a condition
12 to avoid a disciplinary administrative hearing, may petition the
13 committee for reinstatement or modification of the penalty,
14 including modification or termination of probation, after a period
15 of not less than the following minimum periods have elapsed from
16 the effective date of the decision ordering disciplinary action:

17 (1) At least three years for reinstatement of a license revoked
18 for unprofessional conduct or surrendered pursuant to a stipulated
19 settlement as a condition to avoid an administrative disciplinary
20 hearing.

21 (2) At least two years for early termination, or modification of
22 a condition, of a probation of three years or more.

23 (3) At least one year for modification of a condition, or
24 reinstatement of a license revoked for mental or physical illness,
25 or termination, or modification of a condition, of a probation of
26 less than three years.

27 (b) The petition shall state any fact required by the committee.

28 (c) The petition may be heard by the committee, or the
29 committee may assign the petition to an administrative law judge
30 designated in Section 11371 of the Government Code.

31 (d) In considering reinstatement or modification or penalty, the
32 committee or the administrative law judge hearing the petition
33 may consider the following:

34 (1) All activities of the petitioner since the disciplinary action
35 was taken.

36 (2) The offense for which the petitioner was disciplined.

37 (3) The petitioner’s activities during the time the license;
38 certificate, or permit was in good standing.

39 (4) The petitioner’s rehabilitative efforts, general reputation for
40 truth, and professional ability.

1 (e) The hearing may be continued from time to time as the
2 committee or the administrative law judge as designated in Section
3 11371 of the Government Code finds necessary.

4 (f) The committee or the administrative law judge may impose
5 necessary terms and conditions on the licensee in reinstating a
6 license, ~~certificate~~, or permit or modifying a penalty.

7 (g) A petition shall not be considered while the petitioner is
8 under sentence for any criminal offense, including any period
9 during which the petitioner is on court-imposed probation or parole.

10 (h) A petition shall not be considered while there is an
11 accusation or petition to revoke probation pending against the
12 person.

13 (i) The committee may deny without a hearing or argument any
14 petition filed pursuant to this section within a period of two years
15 from the effective date of the prior decision following a hearing
16 under this section. Nothing in this section shall be deemed to alter
17 Sections 822 and 823.

18 SEC. 11. Section 1959 of the Business and Professions Code
19 is amended to read:

20 1959. A person who holds a valid, unrevoked, and unsuspended
21 ~~certificate~~ *license* as a registered dental hygienist, registered dental
22 hygienist in alternative practice, or registered dental hygienist in
23 extended functions under this article may append the letters
24 “R.D.H.,” “R.D.H.A.P.,” or ~~“R.D.H.E.F.”~~ “*R.D.H.E.F.*,”
25 *respectively*, to his or her name.

26 SEC. 12. Section 1961 of the Business and Professions Code
27 is amended to read:

28 1961. A person who willfully, under circumstances that cause
29 risk of bodily harm, serious physical or mental illness, or death,
30 practices, attempts to practice, advertises, or holds himself or
31 herself out as practicing dental hygiene without having at the time
32 of so doing a valid, unrevoked, and unsuspended license as
33 provided in this ~~chapter~~ *article*, is guilty of a crime, punishable by
34 imprisonment in a county jail for up to one year. The remedy
35 provided in this section shall not preclude any other remedy
36 provided by law.

37 SEC. 13. Section 1962 of the Business and Professions Code
38 is amended to read:

39 1962. (a) An association, partnership, corporation, or group
40 of three or more registered dental hygienists in alternative practice

1 engaging in practice under a name that would otherwise be in
2 violation of Section 1960 may practice under that name if the
3 association, partnership, corporation, or group holds an unexpired,
4 unsuspended, and unrevoked permit issued by the committee under
5 this section.

6 (b) An individual registered dental hygienist in alternative
7 practice or a pair of registered dental hygienists in alternative
8 practice who practice dental hygiene under a name that would
9 otherwise violate Section 1960 may practice under that name if
10 the licensees hold a valid permit issued by the committee under
11 this section. The committee shall issue a written permit authorizing
12 the holder to use a name specified in the permit in connection with
13 the holder's practice if the committee finds all of the following:

14 (1) The applicant or applicants are duly licensed registered
15 dental hygienists in alternative practice.

16 (2) The place where the applicant or applicants practice is owned
17 or leased by the applicant or applicants, and the practice conducted
18 at the place is wholly owned and entirely controlled by the
19 applicant or applicants and is an approved area or practice setting
20 pursuant to Section 1926.

21 (3) The name under which the applicant or applicants propose
22 to operate contains at least one of the following designations:
23 "dental hygiene group," "dental hygiene practice," or "dental
24 hygiene office," contains the family name of one or more of the
25 past, present, or prospective associates, partners, shareholders, or
26 members of the group, and is in conformity with Section 651 and
27 not in violation of subdivisions (i) and (l) of Section 1680 1950.5.

28 (4) All licensed persons practicing at the location designated in
29 the application hold valid licenses and no charges of unprofessional
30 conduct are pending against any person practicing at that location.

31 (c) A permit issued under this section shall expire and become
32 invalid unless renewed in the manner provided for in this article
33 for the renewal of ~~certificates~~ *permits* issued under this article.

34 (d) A permit issued under this section may be revoked or
35 suspended if the committee finds that any requirement for original
36 issuance of a permit is no longer being fulfilled by the
37 permitholder. Proceedings for revocation or suspension shall be
38 governed by the Administrative Procedure Act.

39 (e) If charges of unprofessional conduct are filed against the
40 holder of a permit issued under this section, or a member of an

1 association, partnership, group, or corporation to whom a permit
2 has been issued under this section, proceedings shall not be
3 commenced for revocation or suspension of the permit until a final
4 determination of the charges of unprofessional conduct, unless the
5 charges have resulted in revocation or suspension of a license.

6 SEC. 14. Section 1963 of the Business and Professions Code
7 is amended to read:

8 1963. The committee may ~~prefer~~ *file* a complaint for violation
9 of any part of this article ~~before~~ *with* any court of competent
10 jurisdiction and may, by its officers, counsel and agents, assist in
11 presenting the law or facts at the trial. The district attorney of each
12 county in this state shall prosecute all violations of this article in
13 their respective counties in which the violations occur.

14 SEC. 15. Section 1966.1 of the Business and Professions Code
15 is amended to read:

16 1966.1. (a) The committee shall establish criteria for the
17 acceptance, denial, or termination of licensees in a diversion
18 program. Unless ordered by the committee as a condition of a
19 licensee's disciplinary probation, only those licensees who have
20 voluntarily requested diversion treatment and supervision by a
21 diversion evaluation committee shall participate in a diversion
22 program.

23 (b) A licensee who is not the subject of a current investigation
24 may self-refer to the diversion program on a confidential basis,
25 except as provided in subdivision (f).

26 (c) A licensee under current investigation by the committee may
27 also request entry into a diversion program by contacting the
28 committee. The committee may refer the licensee requesting
29 participation in the program to a diversion evaluation committee
30 for evaluation of eligibility. Prior to authorizing a licensee to enter
31 into the diversion program, the committee may require the licensee,
32 while under current investigation for any violations of this article
33 or other violations, to execute a statement of understanding that
34 states that the licensee understands that his or her violations of this
35 article or other statutes, that would otherwise be the basis for
36 discipline, may still be investigated and the subject of disciplinary
37 action.

38 (d) If the reasons for a current investigation of a licensee are
39 based primarily on the self-administration of any controlled
40 substance or dangerous drugs or alcohol under Section ~~1681~~ 1951,

1 or the illegal possession, prescription, or nonviolent procurement
2 of any controlled substance or dangerous drugs for
3 self-administration that does not involve actual, direct harm to the
4 public, the committee shall close the investigation without further
5 action if the licensee is accepted into the committee's diversion
6 program and successfully completes the requirements of the
7 program. If the licensee withdraws or is terminated from the
8 program by a diversion evaluation committee, the investigation
9 shall be reopened and disciplinary action imposed, if warranted,
10 as determined by the committee.

11 (e) Neither acceptance nor participation in the diversion program
12 shall preclude the committee from investigating or continuing to
13 investigate, or taking disciplinary action or continuing to take
14 disciplinary action against, any licensee for any unprofessional
15 conduct committed before, during, or after participation in the
16 diversion program.

17 (f) All licensees shall sign an agreement of understanding that
18 the withdrawal or termination from the diversion program at a time
19 when a diversion evaluation committee determines the licensee
20 presents a threat to the public's health and safety shall result in the
21 utilization by the committee of diversion treatment records in
22 disciplinary or criminal proceedings.

23 (g) Any licensee terminated from the diversion program for
24 failure to comply with program requirements is subject to
25 disciplinary action by the committee for acts committed before,
26 during, and after participation in the diversion program. A licensee
27 who has been under investigation by the committee and has been
28 terminated from the diversion program by a diversion evaluation
29 committee shall be reported by the diversion evaluation committee
30 to the committee.

31 SEC. 16. Section 2736.5 of the Business and Professions Code
32 is amended to read:

33 2736.5. (a) Any person who has served on active duty in the
34 medical corps of any of the armed forces of the United States and
35 who has successfully completed the course of instruction required
36 to qualify him for rating as a medical service
37 technician—independent duty, or other equivalent rating in his
38 particular branch of the armed forces, and whose service in the
39 armed forces has been under honorable conditions, may submit
40 the record of such training to the board for evaluation.

(b) If such person meets the qualifications of paragraphs (1) and (3) of subdivision (a) of Section 2736, and if the board determines that his education and experience would give reasonable assurance of competence to practice as a registered nurse in this state, he shall be granted a license upon passing the standard examination for such licensure.

(c) The board shall, by regulation, establish criteria for evaluating the education and experience of applicants under this section.

(d) The board shall maintain records of the following categories of applicants under this section:

(1) Applicants who are rejected for examination, and the areas of such applicants' preparation which are the causes of rejection.

(2) Applicants who are qualified by their military education and experience alone to take the examination, and the results of their examinations.

(3) Applicants who are qualified to take the examination by their military education and experience plus supplementary education, and the results of their examinations.

(e) The board shall attempt to contact by mail or other means individuals meeting the requirements of subdivision (a) who have been or will be discharged or separated from the armed forces of the United States, in order to inform them of the application procedure provided by this section. The board may enter into an agreement with the federal government in order to secure the names and addresses of such individuals.

SEC. 17. Section 2836.2 of the Business and Professions Code is amended to read:

2836.2. Furnishing or ordering of drugs or devices by nurse practitioners is defined to mean the act of making a pharmaceutical agent or agents available to the patient in strict accordance with a standardized procedure. All nurse practitioners who are authorized pursuant to Section 2834.1 to furnish or issue drug orders for controlled substances shall register with the United States Drug Enforcement Administration.

SEC. 18. Section 2936 of the Business and Professions Code is amended to read:

2936. The board shall adopt a program of consumer and professional education in matters relevant to the ethical practice of psychology. The board shall establish as its standards of ethical

1 conduct relating to the practice of psychology, the “Ethical
2 Principles and Code of Conduct” published by the American
3 Psychological Association (APA). Those standards shall be applied
4 by the board as the accepted standard of care in all licensing
5 examination development and in all board enforcement policies
6 and disciplinary case evaluations.

7 To facilitate consumers in receiving appropriate psychological
8 services, all licensees and registrants shall be required to post, in
9 a conspicuous location in their principal psychological business
10 office, a notice which reads as follows:

11
12 “NOTICE TO CONSUMERS: The Department of Consumer
13 Affairs’s Board of Psychology receives and responds to questions
14 and complaints regarding the practice of psychology. If you have
15 questions or complaints, you may contact the board on the
16 Internet at www.psychboard.ca.gov, by calling 1-866-503-3221,
17 or by writing to the following address:

18 Board of Psychology
19 ~~1422 Howe Avenue, Suite 22~~
20 ~~Sacramento, California 95825-3236~~
21 *2005 Evergreen Street, Suite 1400*
22 *Sacramento, California 95815-3894*
23

24 SEC. 19. Section 4200 of the Business and Professions Code
25 is amended to read:

26 4200. (a) The board may license as a pharmacist an applicant
27 who meets all the following requirements:

28 (1) Is at least 18 years of age.

29 (2) (A) Has graduated from a college of pharmacy or
30 department of pharmacy of a university recognized by the board;
31 or

32 (B) If the applicant graduated from a foreign pharmacy school,
33 the foreign-educated applicant has been certified by the Foreign
34 Pharmacy Graduate Examination Committee.

35 (3) Has completed at least 150 semester units of collegiate study
36 in the United States, or the equivalent thereof in a foreign country.
37 No less than 90 of those semester units shall have been completed
38 while in resident attendance at a school or college of pharmacy.

39 (4) Has earned at least a baccalaureate degree in a course of
40 study devoted to the practice of pharmacy.

(5) Has completed 1,500 hours of pharmacy practice experience or the equivalent in accordance with Section 4209.

(6) ~~Has passed a written and practical examination given by the board prior to December 31, 2003, or has~~ passed the North American Pharmacist Licensure Examination and the California Practice Standards and Jurisprudence Examination for Pharmacists on or after January 1, 2004.

(b) Proof of the qualifications of an applicant for licensure as a pharmacist shall be made to the satisfaction of the board and shall be substantiated by affidavits or other evidence as may be required by the board.

(c) Each person, upon application for licensure as a pharmacist under this chapter, shall pay to the executive officer of the board the fees provided by this chapter. The fees shall be compensation to the board for investigation or examination of the applicant.

SEC. 20. Section 4980.36 of the Business and Professions Code is amended to read:

4980.36. (a) This section shall apply to the following:

(1) Applicants for licensure or registration who begin graduate study before August 1, 2012, and do not complete that study on or before December 31, 2018.

(2) Applicants for licensure or registration who begin graduate study before August 1, 2012, and who graduate from a degree program that meets the requirements of this section.

(3) Applicants for licensure or registration who begin graduate study on or after August 1, 2012.

(b) To qualify for a license or registration, applicants shall possess a doctor's or master's degree meeting the requirements of this section in marriage, family, and child counseling, marriage and family therapy, *couple and family therapy*, psychology, clinical psychology, counseling psychology, or counseling with an emphasis in either marriage, family, and child counseling or marriage and family therapy, obtained from a school, college, or university approved by the Bureau for Private Postsecondary and Vocational Education or accredited by either the Commission on the Accreditation of Marriage and Family Therapy Education or a regional accrediting agency recognized by the United States Department of Education. The board has the authority to make the final determination as to whether a degree meets all requirements,

1 including, but not limited to, course requirements, regardless of
2 accreditation or approval.

3 (c) A doctor's or master's degree program that qualifies for
4 licensure or registration shall do the following:

5 (1) Integrate all of the following throughout its curriculum:

6 (A) Marriage and family therapy principles.

7 (B) The principles of mental health recovery-oriented care and
8 methods of service delivery in recovery-oriented practice
9 environments, among others.

10 (C) An understanding of various cultures and the social and
11 psychological implications of socioeconomic position, and an
12 understanding of how poverty and social stress impact an
13 individual's mental health and recovery.

14 (2) Allow for innovation and individuality in the education of
15 marriage and family therapists.

16 (3) Encourage students to develop the personal qualities that
17 are intimately related to effective practice, including, but not
18 limited to, integrity, sensitivity, flexibility, insight, compassion,
19 and personal presence.

20 (4) Permit an emphasis or specialization that may address any
21 one or more of the unique and complex array of human problems,
22 symptoms, and needs of Californians served by marriage and
23 family therapists.

24 (5) Provide students with the opportunity to meet with various
25 consumers and family members of consumers of mental health
26 services to enhance understanding of their experience of mental
27 illness, treatment, and recovery.

28 (d) The degree described in subdivision (b) shall contain no less
29 than 60 semester or 90 quarter units of instruction that includes,
30 but is not limited to, the following requirements:

31 (1) Both of the following:

32 (A) No less than 12 semester or 18 quarter units of coursework
33 in theories, principles, and methods of a variety of
34 psychotherapeutic orientations directly related to marriage and
35 family therapy and marital and family systems approaches to
36 treatment and how these theories can be applied therapeutically
37 with individuals, couples, families, adults, including elder adults,
38 children, adolescents, and groups to improve, restore, or maintain
39 healthy relationships.

40 (B) Practicum that involves direct client contact, as follows:

- 1 (i) A minimum of six semester or nine quarter units of practicum
- 2 in a supervised clinical placement that provides supervised
- 3 fieldwork experience.
- 4 (ii) A minimum of ~~225~~ 150 hours of face-to-face experience
- 5 counseling individuals, couples, families, or groups. ~~Up to 75 of~~
- 6 ~~those hours may be gained performing client-centered advocacy,~~
- 7 ~~as defined in Section 4980.03.~~
- 8 (iii) A student must be enrolled in a practicum course while
- 9 counseling clients.
- 10 (iv) The practicum shall provide training in all of the following
- 11 areas:
 - 12 (I) Applied use of theory and psychotherapeutic techniques.
 - 13 (II) Assessment, diagnosis, and prognosis.
 - 14 (III) Treatment of individuals and premarital, couple, family,
 - 15 and child relationships, including trauma and abuse, dysfunctions,
 - 16 healthy functioning, health promotion, illness prevention, and
 - 17 working with families.
 - 18 (IV) Professional writing, including documentation of services,
 - 19 treatment plans, and progress notes.
 - 20 (V) How to connect people with resources that deliver the
 - 21 quality of services and support needed in the community.
- 22 (v) Educational institutions are encouraged to design the
- 23 practicum required by this subparagraph to include marriage and
- 24 family therapy experience in low-income and multicultural mental
- 25 health settings.
- 26 (vi) *In addition to the 150 hours required in clause (ii), 75 hours*
- 27 *of either of the following:*
 - 28 (I) *Client-centered advocacy, as defined in Section 4980.03.*
 - 29 (II) *Face-to-face experience counseling individuals, couples,*
 - 30 *families, or groups.*
- 31 (2) Instruction in all of the following:
 - 32 (A) Diagnosis, assessment, prognosis, and treatment of mental
 - 33 disorders, including severe mental disorders, evidence-based
 - 34 practices, psychological testing, psychopharmacology, and
 - 35 promising mental health practices that are evaluated in peer
 - 36 reviewed literature.
 - 37 (B) Developmental issues from infancy to old age, including
 - 38 instruction in all of the following areas:
 - 39 (i) The effects of developmental issues on individuals, couples,
 - 40 and family relationships.

1 (ii) The psychological, psychotherapeutic, and health
2 implications of developmental issues and their effects.

3 (iii) Aging and its biological, social, cognitive, and
4 psychological aspects.

5 (iv) A variety of cultural understandings of human development.

6 (v) The understanding of human behavior within the social
7 context of socioeconomic status and other contextual issues
8 affecting social position.

9 (vi) The understanding of human behavior within the social
10 context of a representative variety of the cultures found within
11 California.

12 (vii) The understanding of the impact that personal and social
13 insecurity, social stress, low educational levels, inadequate housing,
14 and malnutrition have on human development.

15 (C) The broad range of matters and life events that may arise
16 within marriage and family relationships and within a variety of
17 California cultures, including instruction in all of the following:

18 (i) Child and adult abuse assessment and reporting.

19 (ii) Spousal or partner abuse assessment, detection, intervention
20 strategies, and same-gender abuse dynamics.

21 (iii) Cultural factors relevant to abuse of partners and family
22 members.

23 (iv) Childbirth, child rearing, parenting, and stepparenting.

24 (v) Marriage, divorce, and blended families.

25 (vi) Long-term care.

26 (vii) End of life and grief.

27 (viii) Poverty and deprivation.

28 (ix) Financial and social stress.

29 (x) Effects of trauma.

30 (xi) The psychological, psychotherapeutic, community, and
31 health implications of the matters and life events described in
32 clauses (i) to (x), inclusive.

33 (D) Cultural competency and sensitivity, including a familiarity
34 with the racial, cultural, linguistic, and ethnic backgrounds of
35 persons living in California.

36 (E) Multicultural development and cross-cultural interaction,
37 including experiences of race, ethnicity, class, spirituality, sexual
38 orientation, gender, and disability, and their incorporation into the
39 psychotherapeutic process.

- 1 (F) The effects of socioeconomic status on treatment and
2 available resources.
- 3 (G) Resilience, including the personal and community qualities
4 that enable persons to cope with adversity, trauma, tragedy, threats,
5 or other stresses.
- 6 (H) Human sexuality, including the study of physiological,
7 psychological, and social cultural variables associated with sexual
8 behavior and gender identity, and the assessment and treatment of
9 psychosexual dysfunction.
- 10 (I) Substance use disorders, co-occurring disorders, and
11 addiction, including, but not limited to, instruction in all of the
12 following:
- 13 (i) The definition of substance use disorders, co-occurring
14 disorders, and addiction. For purposes of this subparagraph,
15 “co-occurring disorders” means a mental illness and substance
16 abuse diagnosis occurring simultaneously in an individual.
- 17 (ii) Medical aspects of substance use disorders and co-occurring
18 disorders.
- 19 (iii) The effects of psychoactive drug use.
- 20 (iv) Current theories of the etiology of substance abuse and
21 addiction.
- 22 (v) The role of persons and systems that support or compound
23 substance abuse and addiction.
- 24 (vi) Major approaches to identification, evaluation, and treatment
25 of substance use disorders, co-occurring disorders, and addiction,
26 including, but not limited to, best practices.
- 27 (vii) Legal aspects of substance abuse.
- 28 (viii) Populations at risk with regard to substance use disorders
29 and co-occurring disorders.
- 30 (ix) Community resources offering screening, assessment,
31 treatment, and followup for the affected person and family.
- 32 (x) Recognition of substance use disorders, co-occurring
33 disorders, and addiction, and appropriate referral.
- 34 (xi) The prevention of substance use disorders and addiction.
- 35 (J) California law and professional ethics for marriage and
36 family therapists, including instruction in all of the following areas
37 of study:
- 38 (i) Contemporary professional ethics and statutory, regulatory,
39 and decisional laws that delineate the scope of practice of marriage
40 and family therapy.

1 (ii) The therapeutic, clinical, and practical considerations
2 involved in the legal and ethical practice of marriage and family
3 therapy, including, but not limited to, family law.

4 (iii) The current legal patterns and trends in the mental health
5 professions.

6 (iv) The psychotherapist-patient privilege, confidentiality, the
7 patient dangerous to self or others, and the treatment of minors
8 with and without parental consent.

9 (v) A recognition and exploration of the relationship between
10 a practitioner's sense of self and human values and his or her
11 professional behavior and ethics.

12 (vi) Differences in legal and ethical standards for different types
13 of work settings.

14 (vii) Licensing law and licensing process.

15 (e) The degree described in subdivision (b) shall, in addition to
16 meeting the requirements of subdivision (d), include instruction
17 in case management, systems of care for the severely mentally ill,
18 public and private services and supports available for the severely
19 mentally ill, community resources for persons with mental illness
20 and for victims of abuse, disaster and trauma response, advocacy
21 for the severely mentally ill, and collaborative treatment. This
22 instruction may be provided either in credit level coursework or
23 through extension programs offered by the degree-granting
24 institution.

25 (f) The changes made to law by this section are intended to
26 improve the educational qualifications for licensure in order to
27 better prepare future licentiates for practice, and are not intended
28 to expand or restrict the scope of practice for marriage and family
29 therapists.

30 SEC. 21. Section 4980.37 of the Business and Professions
31 Code is amended to read:

32 4980.37. (a) This section shall apply to applicants for licensure
33 or registration who begin graduate study before August 1, 2012,
34 and complete that study on or before December 31, 2018. Those
35 applicants may alternatively qualify under paragraph (2) of
36 subdivision (a) of Section 4980.36.

37 (b) To qualify for a license or registration, applicants shall
38 possess a doctor's or master's degree in marriage, family, and child
39 counseling, marriage and family therapy, *couple and family*
40 *therapy*, psychology, clinical psychology, counseling psychology,

1 or counseling with an emphasis in either marriage, family, and
2 child counseling or marriage and family therapy, obtained from a
3 school, college, or university accredited by a regional accrediting
4 agency recognized by the United States Department of Education
5 or approved by the Bureau for Private Postsecondary—and
6 ~~Vocational~~ Education. The board has the authority to make the
7 final determination as to whether a degree meets all requirements,
8 including, but not limited to, course requirements, regardless of
9 accreditation or approval. In order to qualify for licensure pursuant
10 to this section, a doctor's or master's degree program shall be a
11 single, integrated program primarily designed to train marriage
12 and family therapists and shall contain no less than 48 semester
13 or 72 quarter units of instruction. This instruction shall include no
14 less than 12 semester units or 18 quarter units of coursework in
15 the areas of marriage, family, and child counseling, and marital
16 and family systems approaches to treatment. The coursework shall
17 include all of the following areas:

18 (1) The salient theories of a variety of psychotherapeutic
19 orientations directly related to marriage and family therapy, and
20 marital and family systems approaches to treatment.

21 (2) Theories of marriage and family therapy and how they can
22 be utilized in order to intervene therapeutically with couples,
23 families, adults, children, and groups.

24 (3) Developmental issues and life events from infancy to old
25 age and their effect on individuals, couples, and family
26 relationships. This may include coursework that focuses on specific
27 family life events and the psychological, psychotherapeutic, and
28 health implications that arise within couples and families,
29 including, but not limited to, childbirth, child rearing, childhood,
30 adolescence, adulthood, marriage, divorce, blended families,
31 stepparenting, abuse and neglect of older and dependent adults,
32 and geropsychology.

33 (4) A variety of approaches to the treatment of children.

34 The board shall, by regulation, set forth the subjects of instruction
35 required in this subdivision.

36 (c) (1) In addition to the 12 semester or 18 quarter units of
37 coursework specified in subdivision (b), the doctor's or master's
38 degree program shall contain not less than six semester or nine
39 quarter units of supervised practicum in applied psychotherapeutic
40 technique, assessments, diagnosis, prognosis, and treatment of

1 premarital, couple, family, and child relationships, including
2 dysfunctions, healthy functioning, health promotion, and illness
3 prevention, in a supervised clinical placement that provides
4 supervised fieldwork experience within the scope of practice of a
5 marriage and family therapist.

6 (2) For applicants who enrolled in a degree program on or after
7 January 1, 1995, the practicum shall include a minimum of 150
8 hours of face-to-face experience counseling individuals, couples,
9 families, or groups.

10 (3) The practicum hours shall be considered as part of the 48
11 semester or 72 quarter unit requirement.

12 (d) As an alternative to meeting the qualifications specified in
13 subdivision (b), the board shall accept as equivalent degrees those
14 master's or doctor's degrees granted by educational institutions
15 whose degree program is approved by the Commission on
16 Accreditation for Marriage and Family Therapy Education.

17 (e) In order to provide an integrated course of study and
18 appropriate professional training, while allowing for innovation
19 and individuality in the education of marriage and family therapists,
20 a degree program that meets the educational qualifications for
21 licensure or registration under this section shall do all of the
22 following:

23 (1) Provide an integrated course of study that trains students
24 generally in the diagnosis, assessment, prognosis, and treatment
25 of mental disorders.

26 (2) Prepare students to be familiar with the broad range of
27 matters that may arise within marriage and family relationships.

28 (3) Train students specifically in the application of marriage
29 and family relationship counseling principles and methods.

30 (4) Encourage students to develop those personal qualities that
31 are intimately related to the counseling situation such as integrity,
32 sensitivity, flexibility, insight, compassion, and personal presence.

33 (5) Teach students a variety of effective psychotherapeutic
34 techniques and modalities that may be utilized to improve, restore,
35 or maintain healthy individual, couple, and family relationships.

36 (6) Permit an emphasis or specialization that may address any
37 one or more of the unique and complex array of human problems,
38 symptoms, and needs of Californians served by marriage and
39 family therapists.

(7) Prepare students to be familiar with cross-cultural mores and values, including a familiarity with the wide range of racial and ethnic backgrounds common among California's population, including, but not limited to, Blacks, Hispanics, Asians, and Native Americans.

(f) Educational institutions are encouraged to design the practicum required by this section to include marriage and family therapy experience in low-income and multicultural mental health settings.

(g) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

SEC. 22. Section 4980.40.5 of the Business and Professions Code is amended to read:

4980.40.5. (a) A doctoral or master's degree in marriage, family, and child counseling, marital and family therapy, *couple and family therapy*, psychology, clinical psychology, counseling psychology, or counseling with an emphasis in either marriage, family, and child counseling, or marriage and family therapy, obtained from a school, college, or university approved by the Bureau for Private Postsecondary and Vocational Education as of June 30, 2007, shall be considered by the board to meet the requirements necessary for licensure as a marriage and family therapist and for registration as a marriage and family therapist intern provided that the degree is conferred on or before July 1, 2010.

(b) As an alternative to meeting the qualifications specified in subdivision (a) of Section 4980.40, the board shall accept as equivalent degrees those doctoral or master's degrees that otherwise meet the requirements of this chapter and are conferred by educational institutions accredited by any of the following associations:

(1) Northwest Commission on Colleges and Universities.

(2) Middle States Association of Colleges and Secondary Schools.

(3) New England Association of Schools and Colleges.

(4) North Central Association of Colleges and Secondary Schools.

(5) Southern Association of Colleges and Schools.

1 SEC. 23. Section 4980.42 of the Business and Professions
2 Code is amended to read:

3 4980.42. (a) Trainees performing services in any work setting
4 specified in subdivision ~~(e)~~ (d) of Section 4980.43 may perform
5 those activities and services as a trainee, provided that the activities
6 and services constitute part of the trainee's supervised course of
7 study and that the person is designated by the title "trainee."
8 Trainees may gain hours of experience outside the required
9 practicum. Those hours shall be subject to the requirements of
10 subdivision (b) and to the other requirements of this chapter.

11 (b) On and after January 1, 1995, all hours of experience gained
12 as a trainee shall be coordinated between the school and the site
13 where the hours are being accrued. The school shall approve each
14 site and shall have a written agreement with each site that details
15 each party's responsibilities, including the methods by which
16 supervision shall be provided. The agreement shall provide for
17 regular progress reports and evaluations of the student's
18 performance at the site. If an applicant has gained hours of
19 experience while enrolled in an institution other than the one that
20 confers the qualifying degree, it shall be the applicant's
21 responsibility to provide to the board satisfactory evidence that
22 those hours of trainee experience were gained in compliance with
23 this section.

24 SEC. 24. Section 4980.43 of the Business and Professions
25 Code is amended to read:

26 4980.43. (a) Prior to applying for licensure examinations, each
27 applicant shall complete experience that shall comply with the
28 following:

29 (1) A minimum of 3,000 hours completed during a period of at
30 least 104 weeks.

31 (2) Not more than 40 hours in any seven consecutive days.

32 (3) Not less than 1,700 hours of supervised experience
33 completed subsequent to the granting of the qualifying master's
34 or doctoral degree.

35 (4) Not more than 1,300 hours of supervised experience obtained
36 prior to completing a master's or doctoral degree.

37 The applicant shall not be credited with more than 750 hours of
38 counseling and direct supervisor contact prior to completing the
39 master's or doctoral degree.

(5) No hours of experience may be gained prior to completing either 12 semester units or 18 quarter units of graduate instruction and becoming a trainee except for personal psychotherapy.

(6) No hours of experience may be gained more than six years prior to the date the application for examination eligibility was filed, except that up to 500 hours of clinical experience gained in the supervised practicum required by subdivision (c) of Section 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d) of Section 4980.36 shall be exempt from this six-year requirement.

(7) Not more than a combined total of ~~4,250~~ 1,000 hours of experience in the following:

(A) Direct supervisor contact.

(B) Professional enrichment activities. For purposes of this chapter, “professional enrichment activities” include the following:

(i) Workshops, seminars, training sessions, or conferences directly related to marriage and family therapy attended by the applicant that are approved by the applicant’s supervisor. An applicant shall have no more than 250 hours of verified attendance at these workshops, seminars, training sessions, or conferences.

(ii) Participation by the applicant in personal psychotherapy, which includes group, marital or conjoint, family, or individual psychotherapy by an appropriately licensed professional. An applicant shall have no more than 100 hours of participation in personal psychotherapy. The applicant shall be credited with three hours of experience for each hour of personal psychotherapy.

~~(C) Client centered advocacy.~~

(8) Not more than 500 hours of experience providing group therapy or group counseling.

(9) For all hours gained on or after January 1, 2012, not more than 500 hours of experience in the following:

~~(9)~~

(A) Not more than 250 hours of experience administering and evaluating psychological tests, writing clinical reports, writing progress notes, or writing process notes.

(B) Client centered advocacy.

(10) Not less than 500 total hours of experience in diagnosing and treating couples, families, and children. For up to 150 hours of treating couples and families in conjoint therapy, the applicant shall be credited with two hours of experience for each hour of therapy provided.

1 (11) Not more than 375 hours of experience providing personal
2 psychotherapy, crisis counseling, or other counseling services via
3 telemedicine in accordance with Section 2290.5.

4 (12) It is anticipated and encouraged that hours of experience
5 will include working with elders and dependent adults who have
6 physical or mental limitations that restrict their ability to carry out
7 normal activities or protect their rights.

8 This subdivision shall only apply to hours gained on and after
9 January 1, 2010.

10 (b) All applicants, trainees, and registrants shall be at all times
11 under the supervision of a supervisor who shall be responsible for
12 ensuring that the extent, kind, and quality of counseling performed
13 is consistent with the training and experience of the person being
14 supervised, and who shall be responsible to the board for
15 compliance with all laws, rules, and regulations governing the
16 practice of marriage and family therapy. Supervised experience
17 shall be gained by interns and trainees either as an employee or as
18 a volunteer. The requirements of this chapter regarding gaining
19 hours of experience and supervision are applicable equally to
20 employees and volunteers. Experience shall not be gained by
21 interns or trainees as an independent contractor.

22 (1) If employed, an intern shall provide the board with copies
23 of the corresponding W-2 tax forms for each year of experience
24 claimed upon application for licensure.

25 (2) If volunteering, an intern shall provide the board with a letter
26 from his or her employer verifying the intern's employment as a
27 volunteer upon application for licensure.

28 (c) Supervision shall include at least one hour of direct
29 supervisor contact in each week for which experience is credited
30 in each work setting, as specified:

31 (1) A trainee shall receive an average of at least one hour of
32 direct supervisor contact for every five hours of client contact in
33 each setting.

34 (2) An individual supervised after being granted a qualifying
35 degree shall receive at least one additional hour of direct supervisor
36 contact for every week in which more than 10 hours of client
37 contact is gained in each setting. No more than five hours of
38 supervision, whether individual or group, shall be credited during
39 any single week.

(3) For purposes of this section, “one hour of direct supervisor contact” means one hour per week of face-to-face contact on an individual basis or two hours per week of face-to-face contact in a group.

(4) Direct supervisor contact shall occur within the same week as the hours claimed.

(5) Direct supervisor contact provided in a group shall be provided in a group of not more than eight supervisees and in segments lasting no less than one continuous hour.

(6) Notwithstanding paragraph (3), an intern working in a governmental entity, a school, a college, or a university, or an institution that is both nonprofit and charitable may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is upheld.

(7) All experience gained by a trainee shall be monitored by the supervisor as specified by regulation.

(d) (1) A trainee may be credited with supervised experience completed in any setting that meets all of the following:

(A) Lawfully and regularly provides mental health counseling or psychotherapy.

(B) Provides oversight to ensure that the trainee’s work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.02.

(C) Is not a private practice owned by a licensed marriage and family therapist, a licensed psychologist, a licensed clinical social worker, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.

(2) Experience may be gained by the trainee solely as part of the position for which the trainee volunteers or is employed.

(e) (1) An intern may be credited with supervised experience completed in any setting that meets both of the following:

(A) Lawfully and regularly provides mental health counseling or psychotherapy.

(B) Provides oversight to ensure that the intern’s work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.02.

1 (2) An applicant shall not be employed or volunteer in a private
2 practice, as defined in subparagraph (C) of paragraph (1) of
3 subdivision (d), until registered as an intern.

4 (3) While an intern may be either a paid employee or a
5 volunteer, employers are encouraged to provide fair remuneration
6 to interns.

7 (4) Except for periods of time during a supervisor's vacation or
8 sick leave, an intern who is employed or volunteering in private
9 practice shall be under the direct supervision of a licensee that has
10 satisfied the requirements of subdivision (g) of Section 4980.03.
11 The supervising licensee shall either be employed by and practice
12 at the same site as the intern's employer, or shall be an owner or
13 shareholder of the private practice. Alternative supervision may
14 be arranged during a supervisor's vacation or sick leave if the
15 supervision meets the requirements of this section.

16 (5) Experience may be gained by the intern solely as part of the
17 position for which the intern volunteers or is employed.

18 (f) Except as provided in subdivision (g), all persons shall
19 register with the board as an intern in order to be credited for
20 postdegree hours of supervised experience gained toward licensure.

21 (g) Except when employed in a private practice setting, all
22 postdegree hours of experience shall be credited toward licensure
23 so long as the applicant applies for the intern registration within
24 90 days of the granting of the qualifying master's or doctoral
25 degree and is thereafter granted the intern registration by the board.

26 (h) Trainees, interns, and applicants shall not receive any
27 remuneration from patients or clients, and shall only be paid by
28 their employers.

29 (i) Trainees, interns, and applicants shall only perform services
30 at the place where their employers regularly conduct business,
31 which may include performing services at other locations, so long
32 as the services are performed under the direction and control of
33 their employer and supervisor, and in compliance with the laws
34 and regulations pertaining to supervision. Trainees and interns
35 shall have no proprietary interest in their employers' businesses
36 and shall not lease or rent space, pay for furnishings, equipment
37 or supplies, or in any other way pay for the obligations of their
38 employers.

39 (j) Trainees, interns, or applicants who provide volunteered
40 services or other services, and who receive no more than a total,

1 from all work settings, of five hundred dollars (\$500) per month
2 as reimbursement for expenses actually incurred by those trainees,
3 interns, or applicants for services rendered in any lawful work
4 setting other than a private practice shall be considered an
5 employee and not an independent contractor. The board may audit
6 applicants who receive reimbursement for expenses, and the
7 applicants shall have the burden of demonstrating that the payments
8 received were for reimbursement of expenses actually incurred.

9 (k) Each educational institution preparing applicants for
10 licensure pursuant to this chapter shall consider requiring, and
11 shall encourage, its students to undergo individual, marital or
12 conjoint, family, or group counseling or psychotherapy, as
13 appropriate. Each supervisor shall consider, advise, and encourage
14 his or her interns and trainees regarding the advisability of
15 undertaking individual, marital or conjoint, family, or group
16 counseling or psychotherapy, as appropriate. Insofar as it is deemed
17 appropriate and is desired by the applicant, the educational
18 institution and supervisors are encouraged to assist the applicant
19 in locating that counseling or psychotherapy at a reasonable cost.

20 SEC. 25. Section 4980.45 of the Business and Professions
21 Code is amended to read:

22 4980.45. (a) A licensed professional in private practice who
23 has satisfied the requirements of subdivision (g) of Section 4980.03
24 may supervise or employ, at any one time, no more than a total of
25 ~~two~~ *three* individuals registered as ~~either~~ a marriage and family
26 therapist intern, *clinical counselor intern*, or associate clinical
27 social worker in that private practice.

28 (b) A marriage and family therapy corporation may employ, at
29 any one time, no more than a total of ~~two~~ *three* individuals
30 registered as ~~either~~ a marriage and family therapist intern, *clinical*
31 *counselor intern*, or associate clinical social worker for each
32 employee or shareholder who has satisfied the requirements of
33 subdivision (g) of Section 4980.03. In no event shall any ~~marriage~~
34 ~~and family therapy~~ corporation employ, at any one time, more than
35 a total of ~~10~~ *15* individuals registered as ~~either~~ a marriage and
36 family therapist intern, *clinical counselor intern*, or associate
37 clinical social worker. In no event shall any supervisor supervise,
38 at any one time, more than a total of ~~two~~ *three* individuals
39 registered as either a marriage and family therapist intern, *clinical*
40 *counselor intern*, or associate clinical social worker. Persons who

1 supervise individuals registered as either a marriage and family
2 therapist intern or associate clinical social worker shall be
3 employed full time by the ~~professional~~ *marriage and family therapy*
4 corporation and shall be actively engaged in performing
5 professional services at and for the ~~professional~~ *marriage and*
6 *family therapy* corporation. Employment and supervision within
7 a marriage and family therapy corporation shall be subject to all
8 laws and regulations governing experience and supervision gained
9 in a private practice setting.

10 SEC. 26. Section 4982.25 of the Business and Professions
11 Code is amended to read:

12 4982.25. The board may deny an application, or may suspend
13 or revoke a license or registration issued under this chapter, for
14 any of the following:

15 (a) Denial of licensure, revocation, suspension, restriction, or
16 any other disciplinary action imposed by another state or territory
17 or possession of the United States, or by any other governmental
18 agency, on a license, certificate, or registration to practice marriage
19 and family therapy, or any other healing art, shall constitute
20 unprofessional conduct. A certified copy of the disciplinary action
21 decision or judgment shall be conclusive evidence of that action.

22 (b) Revocation, suspension, or restriction by the board of a
23 license, certificate, or registration to practice as a *marriage and*
24 *family therapist*, clinical social worker, professional clinical
25 counselor, or educational psychologist shall also constitute grounds
26 for disciplinary action for unprofessional conduct against the
27 licensee or registrant under this chapter.

28 SEC. 27. Section 4989.54 of the Business and Professions
29 Code is amended to read:

30 4989.54. The board may deny a license or may suspend or
31 revoke the license of a licensee if he or she has been guilty of
32 unprofessional conduct. Unprofessional conduct includes, but is
33 not limited to, the following:

34 (a) Conviction of a crime substantially related to the
35 qualifications, functions, and duties of an educational psychologist.

36 (1) The record of conviction shall be conclusive evidence only
37 of the fact that the conviction occurred.

38 (2) The board may inquire into the circumstances surrounding
39 the commission of the crime in order to fix the degree of discipline

1 or to determine if the conviction is substantially related to the
2 qualifications, functions, or duties of a licensee under this chapter.

3 (3) A plea or verdict of guilty or a conviction following a plea
4 of nolo contendere made to a charge substantially related to the
5 qualifications, functions, or duties of a licensee under this chapter
6 shall be deemed to be a conviction within the meaning of this
7 section.

8 (4) The board may order a license suspended or revoked, or
9 may decline to issue a license when the time for appeal has elapsed,
10 or the judgment of conviction has been affirmed on appeal, or
11 when an order granting probation is made suspending the
12 imposition of sentence, irrespective of a subsequent order under
13 Section 1203.4 of the Penal Code allowing the person to withdraw
14 a plea of guilty and enter a plea of not guilty or setting aside the
15 verdict of guilty or dismissing the accusation, information, or
16 indictment.

17 (b) Securing a license by fraud, deceit, or misrepresentation on
18 an application for licensure submitted to the board, whether
19 engaged in by an applicant for a license or by a licensee in support
20 of an application for licensure.

21 (c) Administering to himself or herself a controlled substance
22 or using any of the dangerous drugs specified in Section 4022 or
23 an alcoholic beverage to the extent, or in a manner, as to be
24 dangerous or injurious to himself or herself or to any other person
25 or to the public or to the extent that the use impairs his or her ability
26 to safely perform the functions authorized by the license. The board
27 shall deny an application for a license or revoke the license of any
28 person, other than one who is licensed as a physician and surgeon,
29 who uses or offers to use drugs in the course of performing
30 educational psychology.

31 (d) Failure to comply with the consent provisions in Section
32 2290.5.

33 (e) Advertising in a manner that is false, fraudulent, misleading,
34 or deceptive, as defined in Section 651.

35 (f) Violating, attempting to violate, or conspiring to violate any
36 of the provisions of this chapter or any regulation adopted by the
37 board.

38 (g) Commission of any dishonest, corrupt, or fraudulent act
39 substantially related to the qualifications, functions, or duties of a
40 licensee.

1 (h) Denial of licensure, revocation, suspension, restriction, or
2 any other disciplinary action imposed by another state or territory
3 or possession of the United States or by any other governmental
4 agency, on a license, certificate, or registration to practice
5 educational psychology or any other healing art. A certified copy
6 of the disciplinary action, decision, or judgment shall be conclusive
7 evidence of that action.

8 (i) Revocation, suspension, or restriction by the board of a
9 license, certificate, or registration to practice as ~~a~~ *an educational*
10 *psychologist, a* clinical social worker, professional clinical
11 counselor, or marriage and family therapist.

12 (j) Failure to keep records consistent with sound clinical
13 judgment, the standards of the profession, and the nature of the
14 services being rendered.

15 (k) Gross negligence or incompetence in the practice of
16 educational psychology.

17 (l) Misrepresentation as to the type or status of a license held
18 by the licensee or otherwise misrepresenting or permitting
19 misrepresentation of his or her education, professional
20 qualifications, or professional affiliations to any person or entity.

21 (m) Intentionally or recklessly causing physical or emotional
22 harm to any client.

23 (n) Engaging in sexual relations with a client or a former client
24 within two years following termination of professional services,
25 soliciting sexual relations with a client, or committing an act of
26 sexual abuse or sexual misconduct with a client or committing an
27 act punishable as a sexually related crime, if that act or solicitation
28 is substantially related to the qualifications, functions, or duties of
29 a licensed educational psychologist.

30 (o) Prior to the commencement of treatment, failing to disclose
31 to the client or prospective client the fee to be charged for the
32 professional services or the basis upon which that fee will be
33 computed.

34 (p) Paying, accepting, or soliciting any consideration,
35 compensation, or remuneration, whether monetary or otherwise,
36 for the referral of professional clients.

37 (q) Failing to maintain confidentiality, except as otherwise
38 required or permitted by law, of all information that has been
39 received from a client in confidence during the course of treatment

1 and all information about the client that is obtained from tests or
2 other means.

3 (r) Performing, holding himself or herself out as being able to
4 perform, or offering to perform any professional services beyond
5 the scope of the license authorized by this chapter or beyond his
6 or her field or fields of competence as established by his or her
7 education, training, or experience.

8 (s) Reproducing or describing in public, or in any publication
9 subject to general public distribution, any psychological test or
10 other assessment device the value of which depends in whole or
11 in part on the naivete of the subject in ways that might invalidate
12 the test or device. An educational psychologist shall limit access
13 to the test or device to persons with professional interests who can
14 be expected to safeguard its use.

15 (t) Aiding or abetting an unlicensed person to engage in conduct
16 requiring a license under this chapter.

17 (u) When employed by another person or agency, encouraging,
18 either orally or in writing, the employer's or agency's clientele to
19 utilize his or her private practice for further counseling without
20 the approval of the employing agency or administration.

21 (v) Failing to comply with the child abuse reporting
22 requirements of Section 11166 of the Penal Code.

23 (w) Failing to comply with the elder and adult dependent abuse
24 reporting requirements of Section 15630 of the Welfare and
25 Institutions Code.

26 (x) Willful violation of Chapter 1 (commencing with Section
27 123100) of Part 1 of Division 106 of the Health and Safety Code.

28 (y) (1) Engaging in an act described in Section 261, 286, 288a,
29 or 289 of the Penal Code with a minor or an act described in
30 Section 288 or 288.5 of the Penal Code regardless of whether the
31 act occurred prior to or after the time the registration or license
32 was issued by the board. An act described in this subdivision
33 occurring prior to the effective date of this subdivision shall
34 constitute unprofessional conduct and shall subject the licensee to
35 refusal, suspension, or revocation of a license under this section.

36 (2) The Legislature hereby finds and declares that protection of
37 the public, and in particular minors, from sexual misconduct by a
38 licensee is a compelling governmental interest, and that the ability
39 to suspend or revoke a license for sexual conduct with a minor
40 occurring prior to the effective date of this section is equally

1 important to protecting the public as is the ability to refuse a license
2 for sexual conduct with a minor occurring prior to the effective
3 date of this section.

4 (z) Engaging in any conduct that subverts or attempts to subvert
5 any licensing examination or the administration of the examination
6 as described in Section 123.

7 (aa) Impersonation of another by any licensee or applicant for
8 a license, or, in the case of a licensee, allowing any other person
9 to use his or her license.

10 (ab) Permitting a person under his or her supervision or control
11 to perform, or permitting that person to hold himself or herself out
12 as competent to perform, professional services beyond the level
13 of education, training, or experience of that person.

14 SEC. 28. Section 4990.38 of the Business and Professions
15 Code is amended to read:

16 4990.38. The board may deny an application or may suspend
17 or revoke a license or registration issued under the chapters it
18 administers and enforces for any disciplinary action imposed by
19 *this state or* another state or territory or possession of the United
20 States, or by a governmental agency on a license, certificate or
21 registration to practice marriage and family therapy, clinical social
22 work, educational psychology, professional clinical counseling,
23 or any other healing art. The disciplinary action, which may include
24 denial of licensure or revocation or suspension of the license or
25 imposition of restrictions on it, constitutes unprofessional conduct.
26 A certified copy of the disciplinary action decision or judgment
27 shall be conclusive evidence of that action.

28 SEC. 29. Section 4992.3 of the Business and Professions Code
29 is amended to read:

30 4992.3. The board may deny a license or a registration, or may
31 suspend or revoke the license or registration of a licensee or
32 registrant if he or she has been guilty of unprofessional conduct.
33 Unprofessional conduct includes, but is not limited to, the
34 following:

35 (a) The conviction of a crime substantially related to the
36 qualifications, functions, or duties of a licensee or registrant under
37 this chapter. The record of conviction shall be conclusive evidence
38 only of the fact that the conviction occurred. The board may inquire
39 into the circumstances surrounding the commission of the crime
40 in order to fix the degree of discipline or to determine if the

1 conviction is substantially related to the qualifications, functions,
2 or duties of a licensee or registrant under this chapter. A plea or
3 verdict of guilty or a conviction following a plea of nolo contendere
4 made to a charge substantially related to the qualifications,
5 functions, or duties of a licensee or registrant under this chapter
6 is a conviction within the meaning of this section. The board may
7 order any license or registration suspended or revoked, or may
8 decline to issue a license or registration when the time for appeal
9 has elapsed, or the judgment of conviction has been affirmed on
10 appeal, or, when an order granting probation is made suspending
11 the imposition of sentence, irrespective of a subsequent order under
12 Section 1203.4 of the Penal Code allowing the person to withdraw
13 a plea of guilty and enter a plea of not guilty, or setting aside the
14 verdict of guilty, or dismissing the accusation, information, or
15 indictment.

16 (b) Securing a license or registration by fraud, deceit, or
17 misrepresentation on any application for licensure or registration
18 submitted to the board, whether engaged in by an applicant for a
19 license or registration, or by a licensee in support of any application
20 for licensure or registration.

21 (c) Administering to himself or herself any controlled substance
22 or using any of the dangerous drugs specified in Section 4022 or
23 any alcoholic beverage to the extent, or in a manner, as to be
24 dangerous or injurious to the person applying for a registration or
25 license or holding a registration or license under this chapter, or
26 to any other person, or to the public, or, to the extent that the use
27 impairs the ability of the person applying for or holding a
28 registration or license to conduct with safety to the public the
29 practice authorized by the registration or license. The board shall
30 deny an application for a registration or license or revoke the
31 license or registration of any person who uses or offers to use drugs
32 in the course of performing clinical social work. This provision
33 does not apply to any person also licensed as a physician and
34 surgeon under Chapter 5 (commencing with Section 2000) or the
35 Osteopathic Act who lawfully prescribes drugs to a patient under
36 his or her care.

37 (d) Incompetence in the performance of clinical social work.

38 (e) An act or omission that falls sufficiently below the standard
39 of conduct of the profession as to constitute an act of gross
40 negligence.

1 (f) Violating, attempting to violate, or conspiring to violate this
2 chapter or any regulation adopted by the board.

3 (g) Misrepresentation as to the type or status of a license or
4 registration held by the person, or otherwise misrepresenting or
5 permitting misrepresentation of his or her education, professional
6 qualifications, or professional affiliations to any person or entity.
7 For purposes of this subdivision, this misrepresentation includes,
8 but is not limited to, misrepresentation of the person's
9 qualifications as an adoption service provider pursuant to Section
10 8502 of the Family Code.

11 (h) Impersonation of another by any licensee, registrant, or
12 applicant for a license or registration, or, in the case of a licensee,
13 allowing any other person to use his or her license or registration.

14 (i) Aiding or abetting any unlicensed or unregistered person to
15 engage in conduct for which a license or registration is required
16 under this chapter.

17 (j) Intentionally or recklessly causing physical or emotional
18 harm to any client.

19 (k) The commission of any dishonest, corrupt, or fraudulent act
20 substantially related to the qualifications, functions, or duties of a
21 licensee or registrant.

22 (l) Engaging in sexual relations with a client or with a former
23 client within two years from the termination date of therapy with
24 the client, soliciting sexual relations with a client, or committing
25 an act of sexual abuse, or sexual misconduct with a client, or
26 committing an act punishable as a sexually related crime, if that
27 act or solicitation is substantially related to the qualifications,
28 functions, or duties of a clinical social worker.

29 (m) Performing, or holding one's self out as being able to
30 perform, or offering to perform or permitting, any registered
31 associate clinical social worker or intern under supervision to
32 perform any professional services beyond the scope of the license
33 ~~authorized by this chapter.~~ *one's competence, as established by*
34 *one's education, training, or experience. This subdivision shall*
35 *not be construed to expand the scope of the license authorized by*
36 *this chapter.*

37 (n) Failure to maintain confidentiality, except as otherwise
38 required or permitted by law, of all information that has been
39 received from a client in confidence during the course of treatment

1 and all information about the client that is obtained from tests or
2 other means.

3 (o) Prior to the commencement of treatment, failing to disclose
4 to the client or prospective client the fee to be charged for the
5 professional services, or the basis upon which that fee will be
6 computed.

7 (p) Paying, accepting, or soliciting any consideration,
8 compensation, or remuneration, whether monetary or otherwise,
9 for the referral of professional clients. All consideration,
10 compensation, or remuneration shall be in relation to professional
11 counseling services actually provided by the licensee. Nothing in
12 this subdivision shall prevent collaboration among two or more
13 licensees in a case or cases. However, no fee shall be charged for
14 that collaboration, except when disclosure of the fee has been made
15 in compliance with subdivision (o).

16 (q) Advertising in a manner that is false, fraudulent, misleading,
17 or deceptive, as defined in Section 651.

18 (r) Reproduction or description in public, or in any publication
19 subject to general public distribution, of any psychological test or
20 other assessment device, the value of which depends in whole or
21 in part on the naivete of the subject, in ways that might invalidate
22 the test or device. A licensee shall limit access to that test or device
23 to persons with professional interest who are expected to safeguard
24 its use.

25 (s) Any conduct in the supervision of any registered associate
26 clinical social worker, intern, or trainee by any licensee that violates
27 this chapter or any rules or regulations adopted by the board.

28 (t) Failure to keep records consistent with sound clinical
29 judgment, the standards of the profession, and the nature of the
30 services being rendered.

31 (u) Failure to comply with the child abuse reporting
32 requirements of Section 11166 of the Penal Code.

33 (v) Failure to comply with the elder and dependent adult abuse
34 reporting requirements of Section 15630 of the Welfare and
35 Institutions Code.

36 (w) Willful violation of Chapter 1 (commencing with Section
37 123100) of Part 1 of Division 106 of the Health and Safety Code.

38 (x) Failure to comply with Section 2290.5.

39 (y) (1) Engaging in an act described in Section 261, 286, 288a,
40 or 289 of the Penal Code with a minor or an act described in

1 Section 288 or 288.5 of the Penal Code regardless of whether the
2 act occurred prior to or after the time the registration or license
3 was issued by the board. An act described in this subdivision
4 occurring prior to the effective date of this subdivision shall
5 constitute unprofessional conduct and shall subject the licensee to
6 refusal, suspension, or revocation of a license under this section.

7 (2) The Legislature hereby finds and declares that protection of
8 the public, and in particular minors, from sexual misconduct by a
9 licensee is a compelling governmental interest, and that the ability
10 to suspend or revoke a license for sexual conduct with a minor
11 occurring prior to the effective date of this section is equally
12 important to protecting the public as is the ability to refuse a license
13 for sexual conduct with a minor occurring prior to the effective
14 date of this section.

15 (z) Engaging in any conduct that subverts or attempts to subvert
16 any licensing examination or the administration of the examination
17 as described in Section 123.

18 SEC. 30. Section 4992.36 of the Business and Professions
19 Code is amended to read:

20 4992.36. The board may deny an application, or may suspend
21 or revoke a license or registration issued under this chapter, for
22 any of the following:

23 (a) Denial of licensure, revocation, suspension, restriction, or
24 any other disciplinary action imposed by another state or territory
25 of the United States, or by any other governmental agency, on a
26 license, certificate, or registration to practice clinical social work
27 or any other healing art shall constitute grounds for disciplinary
28 action for unprofessional conduct. A certified copy of the
29 disciplinary action decision or judgment shall be conclusive
30 evidence of that action.

31 (b) Revocation, suspension, or restriction by the board of a
32 license, certificate, or registration to practice *clinical social work*,
33 marriage and family therapy, professional clinical counseling, or
34 educational psychology against a licensee or registrant shall also
35 constitute grounds for disciplinary action for unprofessional
36 conduct under this chapter.

37 SEC. 31. Section 4996.13 of the Business and Professions
38 Code is amended to read:

39 4996.13. Nothing in this article shall prevent qualified members
40 of other professional groups from doing work of a psychosocial

1 nature consistent with the standards and ethics of their respective
2 professions. However, they shall not hold themselves out to the
3 public by any title or description of services incorporating the
4 words psychosocial, or clinical social worker, or that they shall
5 not state or imply that they are licensed to practice clinical social
6 work. These qualified members of other professional groups
7 include, but are not limited to, the following:

8 (a) A physician and surgeon certified pursuant to Chapter 5
9 (commencing with Section 2000).

10 (b) A psychologist licensed pursuant to Chapter 6.6
11 (commencing with Section 2900).

12 (c) Members of the State Bar of California.

13 (d) Marriage and family therapists licensed pursuant to Chapter
14 13 (commencing with Section 4980).

15 (e) *Licensed professional clinical counselors pursuant to*
16 *Chapter 16 (commencing with Section 4999.10).*

17 (e)

18 (f) A priest, rabbi, or minister of the gospel of any religious
19 denomination.

20 SEC. 32. Section 4996.24 of the Business and Professions
21 Code is amended to read:

22 4996.24. (a) A licensee in private practice who has satisfied
23 the requirements of Section 1870 of Title 16 of the California Code
24 of Regulations may supervise or employ, at any one time, no more
25 than a total of ~~two~~ *three* individuals registered as either a marriage
26 and family therapist intern, *clinical counselor intern*, or associate
27 clinical social worker in that private practice.

28 (b) A licensed clinical social workers' corporation may employ,
29 at any one time, no more than a total of ~~two~~ *three* individuals
30 registered as either a marriage and family therapist intern, *clinical*
31 *counselor intern*, or associate clinical social worker for each
32 employee or shareholder who has satisfied the requirements of
33 Section 1870 of Title 16 of the California Code of Regulations.

34 (c) In no event shall any *licensed clinical social workers'*
35 corporation employ, at any one time, more than a total of ~~10~~ *15*
36 individuals registered as either a marriage and family therapist
37 intern, *clinical counselor intern*, or associate clinical social worker.
38 In no event shall any supervisor supervise, at any one time, more
39 than a total of ~~two~~ *three* individuals registered as either a marriage
40 and family therapist intern, *clinical counselor intern*, or associate

1 clinical social worker. Persons who supervise individuals registered
2 as either a marriage and family therapist intern, *clinical counselor*
3 *intern*, or associate clinical social worker shall be employed full
4 time by the ~~professional licensed clinical social workers'~~
5 corporation and shall be actively engaged in performing
6 professional services at and for the ~~professional licensed clinical~~
7 *social workers'* corporation. Employment and supervision within
8 the licensed clinical social workers' corporation shall be subject
9 to all laws and regulations governing experience and supervision
10 gained in a private practice setting.

11 SEC. 33. Section 4999.12 of the Business and Professions
12 Code is amended to read:

13 4999.12. For purposes of this chapter, the following terms have
14 the following meanings:

15 (a) "Board" means the Board of Behavioral Sciences.

16 (b) "Accredited" means a school, college, or university
17 accredited by the Western Association of Schools and Colleges,
18 or its equivalent regional accrediting association.

19 (c) "Approved" means a school, college, or university that
20 possessed unconditional approval by the Bureau for Private
21 Postsecondary ~~and Vocational~~ Education at the time of the
22 applicant's graduation from the school, college, or university.

23 (d) "Applicant" means an unlicensed person who has completed
24 a master's or doctoral degree program, as specified in Section
25 4999.32 or 4999.33, as applicable, and whose application for
26 registration as an intern is pending or who has applied for
27 examination eligibility, or an unlicensed person who has completed
28 the requirements for licensure specified in this chapter and is no
29 longer registered with the board as an intern.

30 (e) "Licensed professional clinical counselor" or "LPCC" means
31 a person licensed under this chapter to practice professional clinical
32 counseling, as defined in Section 4999.20.

33 (f) "Intern" means an unlicensed person who meets the
34 requirements of Section 4999.42 and is registered with the board.

35 (g) "Clinical counselor trainee" means an unlicensed person
36 who is currently enrolled in a master's or doctoral degree program,
37 as specified in Section 4999.32 or 4999.33, as applicable, that is
38 designed to qualify him or her for licensure under this chapter, and
39 who has completed no less than 12 semester units or 18 quarter
40 units of coursework in any qualifying degree program.

1 (h) “Approved supervisor” means an individual who meets the
2 following requirements:

3 (1) Has documented two years of clinical experience as a
4 licensed professional clinical counselor, licensed marriage and
5 family therapist, licensed clinical psychologist, licensed clinical
6 social worker, or licensed physician and surgeon who is certified
7 in psychiatry by the American Board of Psychiatry and Neurology.

8 (2) Has received professional training in supervision.

9 (3) Has not provided therapeutic services to the clinical
10 counselor trainee or intern.

11 (4) Has a current and valid license that is not under suspension
12 or probation.

13 (i) “Client centered advocacy” includes, but is not limited to,
14 researching, identifying, and accessing resources, or other activities,
15 related to obtaining or providing services and supports for clients
16 or groups of clients receiving psychotherapy or counseling services.

17 (j) “Advertising” or “advertise” includes, but is not limited to,
18 the issuance of any card, sign, or device to any person, or the
19 causing, permitting, or allowing of any sign or marking on, or in,
20 any building or structure, or in any newspaper or magazine or in
21 any directory, or any printed matter whatsoever, with or without
22 any limiting qualification. It also includes business solicitations
23 communicated by radio or television broadcasting. Signs within
24 church buildings or notices in church bulletins mailed to a
25 congregation shall not be construed as advertising within the
26 meaning of this chapter.

27 (k) “Referral” means evaluating and identifying the needs of a
28 client to determine whether it is advisable to refer the client to
29 other specialists, informing the client of that judgment, and
30 communicating that determination as requested or deemed
31 appropriate to referral sources.

32 (l) “Research” means a systematic effort to collect, analyze, and
33 interpret quantitative and qualitative data that describes how social
34 characteristics, behavior, emotion, cognitions, disabilities, mental
35 disorders, and interpersonal transactions among individuals and
36 organizations interact.

37 (m) “Supervision” includes the following:

38 (1) Ensuring that the extent, kind, and quality of counseling
39 performed is consistent with the education, training, and experience
40 of the person being supervised.

1 (2) Reviewing client or patient records, monitoring and
2 evaluating assessment, diagnosis, and treatment decisions of the
3 clinical counselor trainee.

4 (3) Monitoring and evaluating the ability of the intern or clinical
5 counselor trainee to provide services to the particular clientele at
6 the site or sites where he or she will be practicing.

7 (4) Ensuring compliance with laws and regulations governing
8 the practice of licensed professional clinical counseling.

9 (5) That amount of direct observation, or review of audio or
10 videotapes of counseling or therapy, as deemed appropriate by the
11 supervisor.

12 SEC. 34. Section 4999.90 of the Business and Professions
13 Code is amended to read:

14 4999.90. The board may refuse to issue any registration or
15 license, or may suspend or revoke the registration or license of
16 any intern or licensed professional clinical counselor, if the
17 applicant, licensee, or registrant has been guilty of unprofessional
18 conduct. Unprofessional conduct includes, but is not limited to,
19 the following:

20 (a) The conviction of a crime substantially related to the
21 qualifications, functions, or duties of a licensee or registrant under
22 this chapter. The record of conviction shall be conclusive evidence
23 only of the fact that the conviction occurred. The board may inquire
24 into the circumstances surrounding the commission of the crime
25 in order to fix the degree of discipline or to determine if the
26 conviction is substantially related to the qualifications, functions,
27 or duties of a licensee or registrant under this chapter. A plea or
28 verdict of guilty or a conviction following a plea of nolo contendere
29 made to a charge substantially related to the qualifications,
30 functions, or duties of a licensee or registrant under this chapter
31 shall be deemed to be a conviction within the meaning of this
32 section. The board may order any license or registration suspended
33 or revoked, or may decline to issue a license or registration when
34 the time for appeal has elapsed, or the judgment of conviction has
35 been affirmed on appeal, or, when an order granting probation is
36 made suspending the imposition of sentence, irrespective of a
37 subsequent order under Section 1203.4 of the Penal Code allowing
38 the person to withdraw a plea of guilty and enter a plea of not
39 guilty, or setting aside the verdict of guilty, or dismissing the
40 accusation, information, or indictment.

1 (b) Securing a license or registration by fraud, deceit, or
2 misrepresentation on any application for licensure or registration
3 submitted to the board, whether engaged in by an applicant for a
4 license or registration, or by a licensee in support of any application
5 for licensure or registration.

6 (c) Administering to himself or herself any controlled substance
7 or using any of the dangerous drugs specified in Section 4022, or
8 any alcoholic beverage to the extent, or in a manner, as to be
9 dangerous or injurious to the person applying for a registration or
10 license or holding a registration or license under this chapter, or
11 to any other person, or to the public, or, to the extent that the use
12 impairs the ability of the person applying for or holding a
13 registration or license to conduct with safety to the public the
14 practice authorized by the registration or license, or the conviction
15 of more than one misdemeanor or any felony involving the use,
16 consumption, or self-administration of any of the substances
17 referred to in this subdivision, or any combination thereof. The
18 board shall deny an application for a registration or license or
19 revoke the license or registration of any person, other than one
20 who is licensed as a physician and surgeon, who uses or offers to
21 use drugs in the course of performing licensed professional clinical
22 counseling services.

23 (d) Gross negligence or incompetence in the performance of
24 licensed professional clinical counseling services.

25 (e) Violating, attempting to violate, or conspiring to violate any
26 of the provisions of this chapter or any regulation adopted by the
27 board.

28 (f) Misrepresentation as to the type or status of a license or
29 registration held by the person, or otherwise misrepresenting or
30 permitting misrepresentation of his or her education, professional
31 qualifications, or professional affiliations to any person or entity.

32 (g) Impersonation of another by any licensee, registrant, or
33 applicant for a license or registration, or, in the case of a licensee
34 or registrant, allowing any other person to use his or her license
35 or registration.

36 (h) Aiding or abetting, or employing, directly or indirectly, any
37 unlicensed or unregistered person to engage in conduct for which
38 a license or registration is required under this chapter.

39 (i) Intentionally or recklessly causing physical or emotional
40 harm to any client.

1 (j) The commission of any dishonest, corrupt, or fraudulent act
2 substantially related to the qualifications, functions, or duties of a
3 licensee or registrant.

4 (k) Engaging in sexual relations with a client, or a former client
5 within two years following termination of therapy, soliciting sexual
6 relations with a client, or committing an act of sexual abuse, or
7 sexual misconduct with a client, or committing an act punishable
8 as a sexually related crime, if that act or solicitation is substantially
9 related to the qualifications, functions, or duties of a licensed
10 professional clinical counselor.

11 (l) Performing, or holding oneself out as being able to perform,
12 or offering to perform, or permitting any clinical counselor trainee
13 or intern under supervision to perform, any professional services
14 beyond the scope of the license authorized by this chapter.

15 (m) Failure to maintain confidentiality, except as otherwise
16 required or permitted by law, of all information that has been
17 received from a client in confidence during the course of treatment
18 and all information about the client which is obtained from tests
19 or other means.

20 (n) Prior to the commencement of treatment, failing to disclose
21 to the client or prospective client the fee to be charged for the
22 professional services, or the basis upon which that fee will be
23 computed.

24 (o) Paying, accepting, or soliciting any consideration,
25 compensation, or remuneration, whether monetary or otherwise,
26 for the referral of professional clients. All consideration,
27 compensation, or remuneration shall be in relation to professional
28 clinical counseling services actually provided by the licensee.
29 Nothing in this subdivision shall prevent collaboration among two
30 or more licensees in a case or cases. However, no fee shall be
31 charged for that collaboration, except when disclosure of the fee
32 has been made in compliance with subdivision (n).

33 (p) Advertising in a manner that is false, fraudulent, misleading,
34 or deceptive, as defined in Section 651.

35 (q) Reproduction or description in public, or in any publication
36 subject to general public distribution, of any psychological test or
37 other assessment device, the value of which depends in whole or
38 in part on the naivete of the subject, in ways that might invalidate
39 the test or device.

1 (r) Any conduct in the supervision of a registered intern,
2 associate clinical social worker, or clinical counselor trainee by
3 any licensee that violates this chapter or any rules or regulations
4 adopted by the board.

5 (s) Performing or holding oneself out as being able to perform
6 professional services beyond the scope of one's competence, as
7 established by one's education, training, or experience. This
8 subdivision shall not be construed to expand the scope of the
9 license authorized by this chapter.

10 (t) Permitting a clinical counselor trainee or intern under one's
11 supervision or control to perform, or permitting the clinical
12 counselor trainee or intern to hold himself or herself out as
13 competent to perform, professional services beyond the clinical
14 counselor trainee's or intern's level of education, training, or
15 experience.

16 (u) The violation of any statute or regulation of the standards
17 of the profession, and the nature of the services being rendered,
18 governing the gaining and supervision of experience required by
19 this chapter.

20 (v) Failure to keep records consistent with sound clinical
21 judgment, the standards of the profession, and the nature of the
22 services being rendered.

23 (w) Failure to comply with the child abuse reporting
24 requirements of Section 11166 of the Penal Code.

25 (x) Failing to comply with the elder and dependent adult abuse
26 reporting requirements of Section 15630 of the Welfare and
27 Institutions Code.

28 (y) Repeated acts of negligence.

29 (z) (1) Engaging in an act described in Section 261, 286, 288a,
30 or 289 of the Penal Code with a minor or an act described in
31 Section 288 or 288.5 of the Penal Code regardless of whether the
32 act occurred prior to or after the time the registration or license
33 was issued by the board. An act described in this subdivision
34 occurring prior to the effective date of this subdivision shall
35 constitute unprofessional conduct and shall subject the licensee to
36 refusal, suspension, or revocation of a license under this section.

37 (2) The Legislature hereby finds and declares that protection of
38 the public, and in particular minors, from sexual misconduct by a
39 licensee is a compelling governmental interest, and that the ability
40 to suspend or revoke a license for sexual conduct with a minor

1 occurring prior to the effective date of this section is equally
2 important to protecting the public as is the ability to refuse a license
3 for sexual conduct with a minor occurring prior to the effective
4 date of this section.

5 (aa) Engaging in any conduct that subverts or attempts to subvert
6 any licensing examination or the administration of an examination
7 as described in Section 123.

8 (ab) Revocation, suspension, or restriction by the board of a
9 license, certificate, or registration to practice as a *professional*
10 *clinical counselor*; clinical social worker, educational psychologist,
11 or marriage and family therapist.

12 (ac) Failing to comply with the procedures set forth in Section
13 2290.5 when delivering health care via telemedicine.

14 SEC. 35. Section 4999.91 is added to the Business and
15 Professions Code, to read:

16 4999.91. The board may deny any application, or may suspend
17 or revoke any license or registration issued under this chapter, for
18 any of the following:

19 (a) Denial of licensure, revocation, suspension, restriction, or
20 any other disciplinary action imposed by this state or another state
21 or territory of the United States, or by any other governmental
22 agency, on a license, certificate, or registration to practice
23 professional clinical counseling or any other healing art shall
24 constitute grounds for disciplinary action for unprofessional
25 conduct. A certified copy of the disciplinary action decision or
26 judgment shall be conclusive evidence of that action.

27 (b) Revocation, suspension, or restriction by the board of a
28 license, certificate, or registration to practice clinical counseling,
29 clinical social work, professional clinical counseling, marriage
30 and family therapy, or educational psychology shall also constitute
31 grounds for disciplinary action for unprofessional conduct under
32 this chapter.

33 SEC. 36. Section 4999.455 is added to the Business and
34 Professions Code, to read:

35 4999.455. (a) A licensed professional in private practice who
36 has satisfied the requirements of subdivision (h) of Section 4999.12
37 may supervise or employ, at any one time, no more than a total of
38 three individuals registered as a marriage and family therapist
39 intern, clinical counselor intern, or associate clinical social worker
40 in that private practice.

1 (b) A professional clinical counselor corporation may employ,
2 at any one time, no more than three individuals registered as a
3 marriage and family therapist intern, clinical counselor intern, or
4 associate clinical social worker for each employee or shareholder
5 who has satisfied the requirements of subdivision (h) of Section
6 4999.12. In no event shall any professional clinical counselor
7 corporation employ, at any one time, more than 15 individuals
8 registered as a marriage and family therapist intern, clinical
9 counselor intern, or associate clinical social worker. In no event
10 shall any supervisor supervise, at any one time, more than three
11 individuals registered as a marriage and family therapist intern,
12 clinical counselor intern, or associate clinical social worker.
13 Persons who supervise individuals registered as a marriage and
14 family therapist intern, clinical counselor intern, or associate
15 clinical social worker shall be employed full time by the
16 professional clinical counselor corporation and shall be actively
17 engaged in performing professional services at and for the
18 professional clinical counselor corporation. Employment and
19 supervision within a professional clinical counselor corporation
20 shall be subject to all laws and regulations governing experience
21 and supervision gained in a private practice setting.

22 SEC. 37. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.